

**Disclaimer:** This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision-making.

**Note:** This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter's contact information should follow-up be necessary.

### TABLE OF CONTENTS

#### REGISTERING TO VOTE

1. **STATUS:** [Am I registered to vote?](#)
2. **HOW:** [How do I register to vote? What if I don't have access to a computer and/or printer?](#)
3. **IDENTIFICATION:** [What ID is required to register to vote?](#)
4. **DEADLINES:** [When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?](#)
5. **SAME DAY:** [Does my state have Same Day Registration? If so, what is the process?](#)
6. **PERMANENT MOVE:** [I have moved permanently and I didn't update my voter registration, can I vote?](#)
7. **TEMPORARY MOVE:** [I have moved temporarily due to COVID-19 or some other reason. Where can I vote?](#)
8. **STUDENT:** [I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?](#)
9. **LIVING ABROAD:** [I am living abroad and/or serving in the military. How can I register and/or vote?](#)
10. **CRIMINAL CONVICTION:** [I have a criminal conviction. Can I vote?](#)
11. **INCARCERATED:** [I am currently in jail. Can I vote?](#)
12. **NOT ON ROLLS AT MY POLLING PLACE:** [I am at my polling place and am not on the voter registration roll. Can I vote where I am?](#)
13. **THOUGHT WAS REGISTERED:** [My name isn't on the voter registration roll but I thought I was registered. What do I do?](#)

#### HOW TO VOTE: EARLY VOTING

14. **AVAILABILITY:** [Is there early voting in my state \(whether called early voting or in person absentee voting\)? When is it?](#)
15. **ELIGIBILITY:** [Do I have to have a reason to vote early?](#)
16. **WHEN:** [When do the polls open/close during early voting?](#)
17. **WHERE:** [Where do I vote during early voting?](#)
18. **IDENTIFICATION:** [What identification is required for early voting? Can I vote without providing identification?](#)

#### HOW TO VOTE: ABSENTEE and/or VOTE BY MAIL

19. **AUTOMATIC:** [Do I have to request an absentee ballot or will my state mail me one automatically?](#)
20. **APPLICATION DEADLINE:** [What is the deadline for requesting an absentee ballot?](#)
21. **APPLICATION RETURN:** [Where and/or how can I return my absentee ballot application? Can someone return it for me?](#)
22. **APPLICATION - DIDN'T REQUEST IN TIME:** [What if I have not requested an absentee ballot by the deadline?](#)

23. **ELIGIBILITY:** [Do I have to have a specific reason for requesting to vote absentee whether in person or by mail-in or drop off ballot?](#)
24. **STATUS OF APPLICATION AND/OR BALLOT:** [How can I check the status of my application and/or absentee ballot?](#)
25. **APPLICATION OR BALLOT REJECTED:** [I learned my absentee ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?](#)
26. **COMPLETING BALLOT:** [How do I complete the absentee ballot? Are there any identification requirements?](#)
27. **LOST OR SPOILED:** [What if I lost my absentee ballot or it is spoiled or I received an incorrect one?](#)
28. **NON-RECEIPT OF BALLOT:** [What if I requested an absentee ballot but have not received it? Can I do anything?](#)
29. **IN PERSON OPTION:** [What if I requested an absentee ballot but I want to vote in person on Election Day?](#)
30. **BALLOT DEADLINES:** [What is the deadline for the ballot to be mailed and/or received by, including dropping it off in person?](#)
31. **BALLOT DROP OF LOCATIONS:** [What are the locations for dropping off a ballot \(instead of mailing it\)?](#)
32. **ASSISTANCE DROPPING OFF:** [Can someone else drop off my completed ballot for me?](#)
33. **IN PERSON ABSENTEE:** [Where do I vote in-person absentee? When can I do this?](#)

#### HOW TO VOTE: ELECTION DAY

34. **HOURS:** [When do the polls open/close on Election Day? What if the polls are closing but I'm in line?](#)
35. **POLLING LOCATION:** [Where do I vote on Election Day?](#)
36. **IDENTIFICATION:** [What identification is required to vote? Can I vote without providing identification?](#)

#### POLLING PLACE ISSUES

37. **POLLING PLACE NOT OPEN:** [The polling place is not open. What do I do?](#)
38. **LONG LINES:** [There are long lines at the polling place. What do I do? What if the polls are closing while I'm in line?](#)
39. **EQUIPMENT FAILURE:** [What should I do if there are equipment problems at my precinct?](#)
40. **NO PPE/COVID:** [What if my polling is not enforcing COVID-19 precautions or has run out of supplies?](#)
41. **EQUIPMENT ASSISTANCE:** [I don't know how to use the voting equipment. Can I get help?](#)
42. **PHYSICAL DISABILITY:** [I have a physical disability and need assistance. Will my polling place be accessible?](#)
43. **READING/LANGUAGE ASSISTANCE:** [I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?](#)
44. **CURBSIDE VOTING:** [When can I request curbside voting?](#)
45. **CAMPAIGNING:** [What rules apply to people campaigning or "hanging around" my polling place? Can people approach me?](#)
46. **CHALLENGE:** [Someone is formally challenging my vote. What do I do?](#)
47. **POLICE/MILITARY PRESENCE:** [There are police/members of the military at the polling place. Is this okay? What do I do?](#)
48. **PROVISIONAL BALLOT:** [I have been offered a provisional ballot. What should I do?](#)

#### QUESTIONS

49. [Who should I contact if I have questions about any of the above?](#)

---

## REGISTERING TO VOTE

---

### 1. STATUS: Am I registered to vote?

You can determine whether a voter is registered to vote by checking the South Dakota Secretary of State's "Voter Information Portal" website (<https://vip.sdsos.gov/viplogin.aspx>) by providing the voter's name (exactly how it appears on the voter's voter registration form) and such voter's date of birth or residential zip code. The master voter registration file maintained by the county auditor (i.e., the file of voters in computer format that contains the information of each person registered in each voting precinct within the county) is open to public inspection; provided, any information obtained from the statewide voter registration file or any county voter registration file may be used or sold only for election purposes, may not be used for any commercial purpose (for reference, campaign or political polling activities are not deemed to be a commercial purpose), and may not be placed for unrestricted access on the internet.<sup>i</sup>

### 2. HOW: How do I register to vote? What if I don't have access to a computer and/or printer?

You can register to vote by visiting the South Dakota Secretary of State's "Elections & Voting" website (<https://sdsos.gov/elections-voting/voting/register-to-vote/default.aspx>). Following the link, you can print the Voter Registration Form, fill-out the form, sign it and then submit it to your county auditor either by in-person delivery or by mail. Your Voter Registration form with an original signature must be received by the county auditor 15 days before any election if you wish to vote in that election, i.e., by October 19 for the November 3, 2020 General Election. South Dakota law does not generally allow you to submit your voter registration form via fax or email. NOTE: If you are a member of the military or an overseas citizen covered by the Uniformed and Overseas Absentee Voters Act ("UOCAVA"), you can go to [fvap.gov](http://fvap.gov) to access some voter registration procedures available only to the military and overseas citizens. See answer to question 9 below for details about the UOCAVA process.

You may also register to vote at the following locations:

- County auditor's office;
- Driver's license station (when you are renewing or applying for a South Dakota driver's license you may also register to vote on the driver's license application);
- City Finance Office;
- Public assistance agencies providing food stamps, TANF or WIC;
- Department of Human Services offices which provide assistance to the disabled;
- Military recruitment offices.

### 3. IDENTIFICATION: What ID is required to register to vote?

Yes. Voters in South Dakota will generally be required to show valid photo ID.<sup>ii</sup> Valid forms of identification include:

- A South Dakota driver's license or a non-driver ID card;
- A passport or an identification card, including a picture, issued by an agency of the United States government;
- A tribal identification card, including a picture; or
- A current student identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.<sup>iii</sup>

**However, if a voter is not able to show photo ID, they may sign an affidavit confirming their name and address and may vote a regular ballot (not a provisional ballot).<sup>iv</sup>**

Also, if poll workers cannot determine from the personal identification presented that the voter is the person listed on the voter registration list, the poll worker may consider other forms of identification, personal knowledge and an explanation from the voter to match that person's name to a name on the registration list. If the voter's identity cannot be proven to the satisfaction of the poll worker, or if the person making an application for ballots is challenged on the basis of identity by a poll worker or a poll watcher, the person may vote a provisional ballot.<sup>v</sup>

### 4. DEADLINES: When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?

For all methods of registration (whether by mail or in-person), voter registration applications must be received by the voter's County Auditor 15 days before the election in which they intend to vote.<sup>vi</sup> For the November 3, 2020 General Election, the deadline is **October 19, 2020**. A voter registration form is available online: <https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf>. However, while the voter registration application form may be accessed on-line, South Dakota law does not permit the actual voter registration to be completed on-line (except for overseas and uniformed voters for whom the procedures are described in Question 9 below). **IMPORTANT: A postmark before October 19, 2020 is not in and of itself sufficient to meet the submission deadline. Accordingly, if a resident decides to mail the voter registration form, he/she must mail the form with enough time for it to be received by the resident's County Auditor by October 19, 2020.**

### 5. SAME DAY: Does my state have Same Day Registration (i.e. I can register to vote the same day I vote)? If so, what is the process?

**No, South Dakota does not have Same Day Registration.** The deadline to register to vote is 15 days before an election, which means **October 19, 2020** for the November 3, 2020 General Election. <sup>vii</sup>

**6. PERMANENT MOVE: I have moved permanently and I didn't update my voter registration, can I vote?**

Any person whose name appears on the inactive voter registration list at a precinct may vote in any election following completion of an affirmation of the person's address in South Dakota. If the voter has moved to a new address within South Dakota, the affirmation serves as a new registration.<sup>viii</sup>

Refer to the table below. The answer to this question depends on whether the voter moved within the same county/election jurisdiction or moved to a new county.

<b>Moved within the same precinct</b>	<b>Moved to a different precinct but within the same county</b>	<b>Moved to a different election jurisdiction (typically county)</b>	<b>Moved from a different state</b>
Any person whose name appears on the inactive registration list in the possession of the precinct superintendent may vote in any election following completion of an affirmation of the person's address in this state. If the voter has moved to a new address within the state, this affirmation shall serve as a new registration.	Any person whose name appears on the inactive registration list in the possession of the precinct superintendent may vote in any election following completion of an affirmation of the person's address in this state. If the voter has moved to a new address within the state, this affirmation shall serve as a new registration.	Any person whose name appears on the inactive registration list in the possession of the precinct superintendent may vote in any election following completion of an affirmation of the person's address in this state. If the voter has moved to a new address within the state, this affirmation shall serve as a new registration.	If you moved before October 19, 2020 and did not update your voter registration to reflect your new address before that date, you will be unable to vote in the November 3, 2020 election unless you moved within the same county or voting precinct.

**7. TEMPORARY MOVE: I have moved temporarily due to Covid-19 or some other reason. Where can I vote?**

Any registered voter may request an absentee ballot. See details on how to absentee vote in the section below headed "HOW TO VOTE: ABSENTEE AND/OR VOTE BY MAIL."

**8. STUDENT: I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?**

Yes. As a college student, you have two choices on where you register to vote:

1. Where you live now, whether that is an on-campus or off-campus address.
2. Remain registered and vote at your prior home address, in South Dakota or your home state.  
You will have to vote absentee at the address you are registered.

CONTINUED ON NEXT PAGE

Students may choose to register to vote at their campus address in South Dakota if they plan to return there after temporary absences, like summer break, but do not need to intend to reside at that address permanently.<sup>ix</sup>

In South Dakota, (i) a person who has left home and gone into another state or territory or county of this state for a temporary purpose only has not changed his or her residence, (ii) a person is considered to have gained a residence in any county or municipality of South Dakota in which the person actually lives, if the person has no present intention of leaving and (iii) if a person moves to another state, or to any of the other territories, with the intention of making it his or her permanent home, the person thereby loses residence in South Dakota.<sup>x</sup>

Also, any registered voter may request an absentee ballot. See details on how to absentee vote in the section below headed “HOW TO VOTE: ABSENTEE AND/OR VOTE BY MAIL.”

**9. LIVING ABROAD: I am living abroad and/or am serving in the military. How can I register and/or vote?**

The Uniformed and Overseas Voters Act (UOCAVA) system allows military and overseas voters to submit their absentee ballot application electronically (i.e., by fax or e-mail). Also, for Federal elections, including the November 3, 2020 General Election, a UOCAVA voter may receive their absentee ballot electronically.

If you possess a current, valid South Dakota Driver’s License, you may use the Uniformed and Overseas Citizens Electronic Voter Registration Portal to request an absentee ballot, available at <https://elvr.sdsos.gov/>.

If you do not possess a current, valid South Dakota Driver’s License you may submit an absentee ballot application as follows:

- (i) complete, print and sign the Absentee Ballot Application (available at <https://sdsos.gov/elections-voting/assets/AbsenteeBallotApplicationFillable.pdf>),
- (ii) sign your application (note: the requirement for a photo ID and/or notarization requirement is waived for stateside and overseas military and U.S. citizens residing outside of the United States), and
- (iii) send the application to the person in charge of the election (note: uniformed and overseas voters (UOCAVA) may submit their absentee ballot applications by mail or fax, or a signed and scanned image of the application may be submitted via e-mail to the appropriate county auditor (a/k/a “County Election Official”). Note that if you choose to have your ballot mailed to you, you should complete your ballot and mail it back to your county auditor. Alternatively, if you choose to have your ballot sent to you electronically, you will receive an e-mail with login information and a link to the Military and Overseas Citizens (UOCAVA) Web Portal. Print your ballot, complete it, sign your envelope and mail it back to your county auditor. Marked, official ballots may NOT be submitted through any electronic means (i.e., fax, email, etc.).

Note that you must be a registered voter to request an absentee ballot for South Dakota absentee voting, however you may submit a voter registration form and an absentee ballot application together. If you are registering to vote or updating your voter registration, you must mail the original form to the county auditor's office.

CONTINUED ON NEXT PAGE

Note also that if an UOCAVA voter has submitted an absentee ballot application but has not received the absentee ballot, a Federal Write-In Absentee Ballot (FWAB) may be submitted. The FWAB may be accessed at the Federal Voting Assistance Program's website (available here <https://www.fvap.gov/eo/overview/materials/forms>). The instructions on the site will take you through the process step by step. NOTE: The FWAB may only be used to vote in Federal races, such as the November 3, 2020 General Election.

Finally, Service members, their eligible family members and overseas citizens can use the FPCA to both register to vote and request their absentee ballots. FVAP.gov offers an FPCA online assistant that guides users through the form-completion process, as well as, a fillable PDF form of the FPCA for download (available here <https://www.fvap.gov/fpca-privacy-notice>). NOTE: The process will require a printer.<sup>xi</sup>

#### **10. CRIMINAL CONVICTION: I have a criminal conviction. Can I vote?**

Maybe. The specific answer depends on several criteria, which may differ based on the date of your conviction and if the conviction was in Federal or State Court.

##### **Persons convicted of a felony on or after July 1, 2012**

A person convicted of a felony **in either federal or state court** on or after July 1, 2012 loses the right to vote while they are serving their sentence.<sup>xii</sup> A person so disqualified becomes eligible to register to vote upon completion of their entire sentence, including completion of probation, parole, restitution; including all fines and fees. A person who receives a suspended imposition of sentence does not lose the right to vote.<sup>xiii</sup>

##### **Persons convicted of a felony on or before June 30, 2012:**

For persons convicted of a felony **in federal court**, the following rules apply:

1. Individuals who are sentenced only to probation retain the right to vote.
2. Individuals who are sentenced only to pay a fine or restitution retain the right to vote.
3. Individuals who are sentenced to a term of imprisonment lose the right to vote for as long as the individual is serving a term of imprisonment, including supervised release.

For persons convicted of a felony **in state court**, the following rules apply:

1. Individuals who are sentenced only to probation retain the right to vote. A sentence of probation only may include fines, fees, restitution and other conditions associated with the sentence of probation.
2. Individuals who are sentenced only to pay a fine or restitution retain the right to vote.
3. Individuals who receive a suspended imposition of sentence retain the right to vote.
4. Individuals who receive a suspended execution of sentence to the adult state penitentiary system lose the right to vote during the term of the suspended sentence. Note: A "suspended execution" of sentence is a different action than a "suspended imposition" of sentence.
5. Individuals who receive a sentence to the adult state penitentiary system lose the right to vote during the term of imprisonment. The loss of voting rights continues as long as the individual is physically incarcerated or on parole.
6. Juveniles adjudicated as delinquent or as a child in need of supervision and sentenced to incarceration in a juvenile detention facility retain the right to vote once they have reached eighteen years of age.<sup>xiv</sup>

**11. INCARCERATED: I am currently in jail. Can I vote?**

Individuals who are incarcerated pursuant to a felony conviction cannot vote.

**12. NOT ON ROLLS AT POLLING PLACE: I am at my polling place and am not on the voter registration roll. Can I vote where I am?**

Maybe. If your name does not appear on the registration list for the precinct of the polling place you are at, but you present an acknowledgment notice, a member of the precinct election board will contact the office of the county auditor to determine why your name is not on the rolls. If the county auditor determines that your name was erroneously omitted from the list, you may vote after completing an emergency voter card.<sup>xv</sup>

If your name is listed on the rolls at a different precinct, you have the option of either casting a provisional ballot at the present polling station or going to the precinct associated with your registration to cast a regular ballot.<sup>xvi</sup>

Most important, if it is not possible to communicate with the office of the county auditor, you may vote after executing an emergency voting card.<sup>xvii</sup>

**13. THOUGHT I WAS REGISTERED: My name isn't on the voter registration roll but I thought I was registered. Could it have been removed? What do I do?**

Yes. There are a number of reasons as to why a voter's name could have been removed from the registration rolls. The election auditor regularly removes the names of those declared mentally incompetent, deceased, or serving a sentence for a federal or state felony conviction from the registration rolls.<sup>xviii</sup> A voter's registration may also be removed if a voter has not voted, updated their address, or replied to a confirmation request in the last preceding four consecutive years **and** fails to reply to a verification request through the mail.<sup>xix</sup> The poll worker will consult their county auditor to check to see if the voter's name is in another precinct, or was erroneously removed.<sup>xx</sup>

Also, a voter's name may also have been moved to the inactive registration list. In that case, however, the voter may vote on a regular ballot after completing an affirmation of the voter's address in South Dakota.<sup>xxi</sup>

Furthermore, if the voter's name does not appear on the list of registered voters but the voter maintains that he or she is currently registered to vote in that precinct, the voter may cast a provisional ballot after completing an affirmation.<sup>xxii</sup>

CONTINUED ON NEXT PAGE



**Note: The following steps can be taken to help determine why a voter's name may not be appearing on the list of registered voters:**

- Check the voter's registration status using the registration lookup tool at the "Voter Information Portal" website to make sure they are registered to vote and at the right place. (see [Question 1](#))
- Has the voter moved recently? Could they be registered at an old address? Check that address in the registration lookup tool at the "Voter Information Portal" website. (see [Question 1](#) and [Question 6](#))
- Has the voter changed their name recently, or could they be registered under a different name? Check that name (and any variations of the voter's name, especially for hyphenated names, which sometimes trip up databases) in the registration lookup tool at the "Voter Information Portal" website. (see [Question 1](#))
- When/where did the voter register to vote? Was that before the deadline? (see Question 4)

---

## HOW TO VOTE: EARLY VOTING

---

### **14. AVAILABILITY: Is there early voting in my state (whether called early voting or in person absentee voting)? When is it?**

South Dakota does not have formal early voting at polling places. Registered voters can vote in-person once Absentee Voting begins at their County Auditor's office by bringing along a valid photo identification card (ID). If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a regular ballot. Absentee voting opens 46 days prior to the election, i.e., **September 18, 2020** for the November 3, 2020 General Election. See HOW TO VOTE: ABSENTEE AND/OR VOTE BY MAIL below for further details.

### **15. ELIGIBILITY: Do I have to have a reason to vote early?**

No, you do not need a reason to vote early by absentee voting. See HOW TO VOTE: ABSENTEE AND/OR VOTE BY MAIL below for the details regarding absentee voting.

### **16. WHEN: When do the polls open/close during early voting?**

Because South Dakota does not have formal early voting, the polls are open only on Election Day. However, the absentee voting period for South Dakota's November 3, 2020 General Election begins Friday, September 18, 2020.

### **17. WHERE: Where do I vote during early voting?**

Registered voters can vote in-person once Absentee Voting begins at their County Auditor's office by bringing along a valid photo identification card (ID). If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a regular ballot.

**18. IDENTIFICATION: What identification is required for early voting? Can I vote without providing identification?**

Remember, “early voting” in South Dakota is voting by absentee ballot.

State law generally requires completed absentee ballot applications to be notarized or include a photocopy of an acceptable photo identification card (except for overseas and uniformed voters for whom the procedures are detailed in question 9). Accordingly, if a voter’s absentee ballot application is not notarized, the following are valid forms of photocopied identification to include with an absentee ballot application:

- A South Dakota driver’s license or a non-driver ID card;
- A passport or an identification card, including a picture, issued by an agency of the United States government;
- A tribal identification card, including a picture; or
- A current student identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.xxiii

Voters lacking access to a copy machine or notary public may take a photo of their ID using their phone or camera and email it to their county auditor. Please contact your county auditor for more information regarding this option. County auditor contact information can be found on the Secretary of State’s website at [www.sdsos.gov](http://www.sdsos.gov).

If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a **regular ballot**.

Also see the April 10, 2020 and September 16, 2020 Press Releases that can be found on the Secretary of State’s website at [www.sdsos.gov](http://www.sdsos.gov).

---

## HOW TO VOTE: ABSENTEE AND/OR VOTE BY MAIL

---

**19. AUTOMATIC: Do I have to request an absentee ballot or will my state mail me one automatically? How do I request one?**

The South Dakota Secretary of State mailed absentee ballot application forms to all registered voters in the state ahead of the last June 2020 primary elections. If you checked a request for “all elections” on the application form, and you returned your properly completed form to your county auditor (a/k/a “County Election Official”), you should receive back an absentee ballot for the November 3, 2020 General Election. Absentee ballots will be mailed out beginning on September 18 for the November 3, 2020 General Election.

CONTINUED ON NEXT PAGE

If you don't remember if you checked that option and/or you otherwise want to verify that you have requested an absentee ballot, you should call your county auditor's office or go on-line to search the Voter Information Portal (VIP) on the Secretary of State's website at [www.sdsos.gov](http://www.sdsos.gov).

For a list of county auditor's contact information, go to [sdsos.gov](http://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information."

**Note:** Voters submitting an absentee ballot application form must have the form notarized or include a photocopy of an acceptable photo identification card. Acceptable photo identification cards include a South Dakota driver's license or non-driver ID card, tribal photo ID, passport or other picture ID issued by the United States government, or a current student photo ID issued by a South Dakota high school or postsecondary education institution. Voters lacking access to a copy machine or notary public may take a photo of the ID using a phone or camera and email the photo to their county auditor. Please contact your county auditor for more information regarding this option. For a list of county auditor's contact information, go to [sdsos.gov](http://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information."

A voter must request an absentee ballot application from the [County Election Official](#). The County Election Official will send a paper absentee ballot to the voter. The voter then completes the ballot and returns it to the County Election Official. The County Election Official must receive the application for an absentee ballot no later than 5 p.m. the day before the election. The absentee ballot must be delivered to the counting board at the polling location by 7 p.m. on Election Day.<sup>xxiv</sup> Late ballots will not be counted.<sup>xxv</sup>

In the event of confinement because of sickness or disability, a qualified voter may apply in writing and obtain an absentee ballot by authorized messenger. An authorized messenger delivers the ballot from the County Election Official to the qualified voter and then delivers the marked ballot to the County Election Official. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election.<sup>xxvi</sup>

## **20. APPLICATION DEADLINE: What is the deadline for requesting an absentee ballot?**

The County Election Official must receive the application for an absentee ballot no later than 5 p.m. the day before the election, i.e., by 5 p.m. Monday, November 2, 2020 for the Tuesday, November 3, 2020 General Election.

Note, however, if you wait until the last minute to submit your absentee ballot application form, the practical effect will be that you will have to vote in-person absentee if at all. If you want the option to vote your absentee ballot by mail, you should request an absentee ballot as soon as possible and promptly return the ballot to the county auditor allowing sufficient time for delivery. Your voted ballot **MUST** be received by your County Election Official on Election Day in enough time for delivery of your ballot to your voting precinct before the polls close on Election Day, i.e., 7 p.m. on the November 3, 2020 General Election Day, or your ballot will not be counted.

**21. APPLICATION RETURN: Where and/or how can I return my absentee ballot application? Can someone return it for me?**

Your absentee ballot application must be returned to your county auditor (a/k/a County Election Official) either by in person delivery or by mail.

Registered voters can vote in-person once Absentee Voting begins at their County Auditor's office by bringing along a valid photo identification card (ID). If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a regular ballot.

Voters who are confined because of sickness or disability may apply in writing and obtain an absentee ballot by authorized messenger. An authorized messenger delivers the ballot from the County Election Official to the qualified voter and then delivers the marked ballot to the County Election Official. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election, i.e., November 3 for the 2020 General Election.<sup>xxvii</sup>

**22. DIDN'T REQUEST IN TIME: What if I have not requested an absentee ballot by the deadline?**

Then you will not be permitted to vote absentee. Also, even if you have timely requested your absentee ballot but you have not properly completed and returned the absentee ballot either in-person at your county auditor's office or by mail by the deadline, your vote will not be counted. However, if you are a registered voter, you still may vote in-person at the polls on November 3, 2020.

**23. ELIGIBILITY: Do I have to have a specific reason for requesting to vote by absentee ballot?**

No. Any registered voter who is not otherwise disqualified by law from voting in the election may vote by absentee ballot in South Dakota, <sup>xxviii</sup> **You are not required to provide a reason** for your decision to vote absentee. You may vote absentee starting 46 days prior to the election, i.e., September 18, 2020 for the November 3, 2020 General Election.<sup>xxix</sup>

**24. STATUS OF APPLICATION AND/OR BALLOT: How can I check the status of my application and/or absentee ballot?**

Voters may check the status of their absentee ballots at <https://vip.sdsos.gov/viplogin.aspx>.

**25. APPLICATION AND/OR BALLOT REJECTED: I learned my absentee ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?**

You should call your county auditor's office. For a list of county auditor's contact information, go to [sdsos.gov](https://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information."

**26. COMPLETING BALLOT: How do I complete the absentee ballot? Are there any identification requirements?**

When your ballot arrives, read it carefully and follow the instructions to complete it and return it.

**27. LOST OR SPOILED: What if I lost my absentee ballot or it is spoiled or I received an incorrect one?**

If you lost your absentee ballot or it is spoiled (including by your mistake) or you have received an incorrect ballot, you should call your county auditor's office. For a list of county auditor's contact information, go to [sdsos.gov](http://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information." As a registered voter, if you have not yet cast an absentee ballot, you may alternatively vote in person at the polls. Under South Dakota law, if any voter spoils a ballot, the voter may obtain another ballot, and so on, successively, not to exceed three ballots in all, upon returning to a member of the precinct election board the spoiled ballot. In obtaining a ballot to replace a spoiled one, the name of the voter will be given and the number of the spoiled ballot. The number will be noted opposite of the voter's name as spoiled. The ballots that are returned will be canceled by writing the words, spoiled and replaced, across the face of the ballot and each spoiled ballot will be placed in a separate envelope identifying the spoiled ballots as such and stating the number of spoiled ballots for accounting purposes.<sup>xxx</sup>

**28. NON-RECEIPT OF BALLOT: What if I requested an absentee ballot but have not received it? Can I do anything?**

You should call your county auditor's office. For a list of county auditor's contact information, go to [sdsos.gov](http://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information."

**29. IN PERSON OPTION: What if I requested an absentee ballot but I want to vote in person on Election Day?**

If you want to vote in person at the polls on the Tuesday November 3, 2020 General Election day and you have not yet cast your absentee ballot, you can vote by regular ballot at the polls. However, if you have cast your absentee ballot, you may not vote an additional regular ballot. If you believe that the information of the precinct supervisor/deputy as to the return of your absentee ballot is incorrect and you did not cast the absentee ballot, you may vote by provisional ballot.<sup>xxxi</sup>

**30. BALLOT DEADLINES: What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person? .**

Whether a voter's absentee ballot is returned in person or by mail, the ballot **MUST** be received by the County Election Official on Election Day in enough time for delivery of the ballot to the voting precinct before the polls close on the November 3, 2020 General Election Day.<sup>xxxii</sup> Late ballots will not be counted.<sup>xxxiii</sup> According to the Secretary of State's Press Release dated 9/16/2020, you may vote with your absentee ballot in-person at your county auditor's office up to the day before the General Election, i.e. Monday, November 2, 2020 for the November 3, 2020 General Election. For a list of county auditor's contact information, go to [sdsos.gov](http://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information."

**IMPORTANT:** A postmark before the deadline is not sufficient to ensure that a absentee ballot is counted. Only actual timely receipt of the ballot by the County Election Official is sufficient. Accordingly, voter's who mail-in their absentee ballot should mail the ballot as soon as possible to avoid missing the deadline.

**31. BALLOT DROP OFF LOCATIONS: What are the locations for dropping off a completed ballot (instead of mailing it)?**

Anyone registered to vote in South Dakota can vote absentee in-person at their County Auditor's office (see question 33 below). According to the Secretary of State's Press Release dated 9/16/2020, you may vote with your absentee ballot in-person at your county auditor's office up to the day before the General Election, i.e., Monday, November 2, 2020 for the November 3, 2020 General Election. You should contact your county auditor for office hours. For a list of county auditor's contact information, go to [sdsos.gov](https://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information."

**32. ASSISTANCE DROPPING OFF: Can someone drop off my completed ballot for me?**

In the event of confinement because of sickness or disability, a qualified voter may apply in writing and obtain an absentee ballot by authorized messenger. An authorized messenger delivers the ballot from the County Election Official to the qualified voter and then delivers the marked ballot to the County Election Official. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election.<sup>xxxiv</sup>

**33. IN PERSON ABSENTEE: Where do I vote in-person absentee?**

Registered voters can vote in-person once Absentee Voting begins at their County Auditor's office by bringing along a valid photo identification card (ID). If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a regular ballot

According to the Secretary of State's Press Release dated 9/16/2020, you may vote with your absentee ballot in-person at your county auditor's office up to the day before the General Election, i.e. Monday, November 2, 2020 for the November 3, 2020 General Election. You should contact your county auditor for office hours. For a list of county auditor's contact information, go to [sdsos.gov](https://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information."<sup>xxxv</sup>

---

## HOW TO VOTE: ELECTION DAY

---

**34. HOURS: When do the polls open and close on Election Day? What if the polls are closing but I'm in line?**

The polls must be open from 7 a.m. to 7 p.m. local time on Tuesday, November 3, 2020 Election Day.<sup>xxxvi</sup>  
***If you are a hotline volunteer or a field volunteer and a polling place is not open at 7 a.m., advise voters to stay at the polling location and immediately contact your hotline captain/command center.***

Most important, a voter in line at the polling place by 7 p.m. must be allowed to vote.<sup>xxxvii</sup>

***If you are a hotline volunteer or a field volunteer and a polling place prohibits those who were in line before 7 p.m. from voting, advise voters to stay at the polling location and immediately contact your hotline captain/command center.***

### 35. POLLING LOCATION: Where do I vote on Election Day?

You can determine a voter's proper polling place by checking the "Voter Information Portal" website (<https://vip.sdsos.gov/viplogin.aspx>).

**NOTE TO HOTLINE VOLUNTEERS:** *Due to the COVID-19 Pandemic, many polling places may have been moved or consolidated. Voters should be advised to check the polling place listed on the Voter Notification Card they received from the local election authority a few days before the election.*

If a voter has moved recently and has not updated their voter registration, refer to Questions #6 and 7 above.

### 36. IDENTIFICATION: What identification is required to vote on Election Day? Can I vote without providing identification?

Voters in South Dakota will generally be required to show valid photo ID.<sup>xxxviii</sup>  
Valid forms of identification include:

- A South Dakota driver's license or a non-driver ID card;
- A passport or an identification card, including a picture, issued by an agency of the United States government;
- A tribal identification card, including a picture; or
- A current student identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.<sup>xxxix</sup>

**However, if a voter is not able to show photo ID, they may sign an affidavit confirming their name and address and may vote a regular ballot.**<sup>xi</sup>

If poll workers cannot determine from the personal identification presented that the voter is the person listed on the voter registration list, the poll worker may consider other forms of identification, personal knowledge and an explanation from the voter to match that person's name to a name on the registration list. If the voter's identity cannot be proven to the satisfaction of the poll worker, or if the person making an application for ballots is challenged on the basis of identity by a poll worker or a poll watcher, the person may vote a provisional ballot.<sup>xli</sup>

---

## POLLING PLACE ISSUES

---

### 37. POLLING PLACE NOT OPEN: The polling place is not open. What do I do?

If you are a hotline volunteer or a field volunteer and a polling place is not open at 7:00 a.m., advise voters to stay at the polling location and contact your hotline captain/command center. If you are a hotline volunteer or a field volunteer and a polling place closes before 7:00 p.m. or is not letting voters who were in line at 7:00 p.m. vote, advise voters to stay in line and contact your hotline captain/command center.

**\*Note to hotline volunteer:** *If you learn of a polling place not opening on time or is closed, notify your hotline captain immediately.*

**38. LONG LINES: There are long lines at the polling place. What do I do? What if the polls are closing while I'm in line?**

If you are in line at the polling place by 7 p.m., you must be allowed to vote.<sup>xlii</sup> Because there may, indeed, be long lines at the polling place, you may want to bring some food and drink.

*If you are a hotline volunteer or a field volunteer notify your hotline captain/command center immediately if you see or learn of long line and/or (ii) a polling place is prohibiting those who were in line before 7 p.m. from voting. Advise voters to stay at the polling location and contact your hotline captain/command center.*

**39. EQUIPMENT FAILURE: What should I do if there are equipment problems at my precinct?**

You should immediately notify the election officers if the voting equipment breaks down. If the problem cannot be fixed in a timely manner, you should ask if an emergency paper ballot is available. If voting equipment is not functional, or emergency paper ballots are not available, contact your hotline captain or command center. They will then contact local elections officials to attempt to resolve the issue.

*If you are a hotline volunteer or a field volunteer notify your hotline captain/command center immediately if you learn of equipment not working properly at a polling place.*

**40. NO PPE/COVID: What if my polling place is not enforcing COVID-19 precautions or has run out of supplies?**

As of September 22, 2020, South Dakota has not yet issued guidance concerning the consequences for lack of COVID-19 precautions or supplies at polling places for the November General Election. However, the South Dakota Department of Health has released guidance regarding COVID-19 safety protocols in connection with voting (see [https://sdsos.gov/elections-voting/assets/covid\\_elections\\_09-02-2020.pdf](https://sdsos.gov/elections-voting/assets/covid_elections_09-02-2020.pdf)), recommending masking and other precautions. Undoubtedly, the layout of polling places will look different to voters due to social distancing measures.

*If you are a hotline volunteer or a field volunteer notify your hotline captain/command center immediately if become or are made aware that the polling place is not enforcing COVID-19 precautions or has run out of supplies.*

**41. EQUIPMENT ASSISTANCE: I don't know how to use the voting equipment. Can I get help.**

Yes. Any voter may request instruction in the proper procedure for marking a ballot before entering the voting booth. No instructions may be given to the voter while in the voting booth. However, any voter using an electronic ballot marking system may request instruction in the proper operation of the system at any time. All instructions shall be given in such a manner that other persons in the polling place may observe it.<sup>xliii</sup>



**42. PHYSICAL DISABILITY: I have a physical disability and need assistance. Will my polling place be accessible?**

Yes. Voters who have a physical disability may receive the assistance of any person who they select, including asking for assistance at the polling place.<sup>xliv</sup> Voters can contact their local County Election Official before Election Day if special arrangements are needed. Federal law requires all polling places to be accessible. If you feel a polling place is inaccessible, the County Auditor should be contacted.

Note that the Help America Vote Act (HAVA) requires that each polling place for any Federal election provide a voting device equipped to allow voters with disabilities the means to vote independently and privately. South Dakota has chosen the ExpressVote by Election Systems and Software.<sup>xlv</sup>

**43. READING/LANGUAGE ASSISTANCE: I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?**

Yes. Any voter who by reason of physical disability or illiteracy is unable to read or mark a ballot may receive the assistance of any person whom such voter may select.<sup>xlvi</sup> Precincts with large Native American populations **must** have someone available who is proficient in both the local Sioux dialect and English to provide assistance.<sup>xlvii</sup>

**44. CURBSIDE VOTING: When can I request curbside voting? .**

South Dakota law does not permit curbside voting.<sup>xlviii</sup>

**45. CAMPAIGNING: What rules apply to people campaigning or “hanging around” my polling place? Can people approach me?**

Electioneering activities such as the use of a public address system, the display of campaign materials or any other means of soliciting votes within 100 feet of the entrance leading into a polling place are prohibited and can be punished as a criminal misdemeanor.<sup>xlix</sup> However, each candidate may have a set number of poll watchers positioned in a location where they can plainly see and hear what is done within the polling place.<sup>l</sup>

**46. CHALLENGES: Someone is formally challenging my vote. What do I do?**

A member of the precinct election board or a poll watcher may challenge a person’s vote only as to the person’s identity as the person whom they claim to be, or on the grounds that the person has been convicted of a felony or declared mentally incompetent within the 15 days preceding the election.<sup>li</sup> If this challenge is upheld by the precinct superintendent and precinct deputies, then the voter may still cast a provisional ballot. A member of the precinct election board must notify any person who is denied the ability to vote that the person may cast a provisional ballot. <sup>lii</sup>

**47. POLICE/MILITARY PRESENCE: There are police/members of the military at the polling place. Is this okay? What do I do?**

If there are police / members of the military at the polling place, the voter should notify the election official immediately, and the voter should still cast their ballot. Election officials are well-trained and there to help.

***Note to hotline volunteer: If you learn of police/members of the military at the polling place, notify your hotline captain immediately.***

**48. PROVISIONAL BALLOT: I have been offered a provisional ballot. What should I do?**

Inquire why you were offered a provisional ballot and request a regular ballot if you think this is incorrect. If you (a) believe you are currently registered to vote in that precinct, but your name does not appear on the list of voters, (b) are successfully challenged under § 12-18-10, or (c) are otherwise denied the ability to vote, you may cast a provisional ballot.<sup>liii</sup> A provisional ballot should be a last resort.

**NOTE:** An election worker must inform any person who is denied the ability to vote that the person may cast a provisional ballot.<sup>liv</sup>

---

## QUESTIONS

---

**49. Who should I contact if I have questions about any of the above?**

If the voter has any additional questions, the voter should visit the website of the South Dakota Secretary of State at <https://sdsos.gov/elections-voting/voting/default.aspx> Voters may also contact their county auditor. For a list of county auditor's contact information, go to [sdsos.gov](https://sdsos.gov), click on "Elections and Voting," then click on "County Auditor Contact Information."

- 
- i S.D. Codified Laws §§ 12-4-9, 12-4-41.
  - ii S.D. Codified Laws § 12-18-6.1.
  - iii S.D. Codified Laws § 12-18-6.1
  - iv S.D. Codified Laws § 12-18-6.2; voters who sign an affidavit in lieu of showing identification may vote a *regular* ballot <https://sdsos.gov/elections-voting/voting/default.aspx>.
  - v S.D. Codified Laws § 12-18-6.3.
  - vi <https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf>.
  - vii <https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf>
  - viii S.D. Codified Laws § 12-18-7.4.
  - ix S.D. Codified Laws § 12-1-4.
  - x S.D. Codified Laws § 12-1-4.
  - xi <https://sdsos.gov/elections-voting/voting/military-members.aspx> and <https://sdsos.gov/elections-voting/voting/overseas-citizen-voter.aspx>
  - xii S.D. Codified Laws § 12-4-18.
  - xiii <https://sdsos.gov/elections-voting/voting/register-to-vote/felony-convictions.aspx>.
  - xiv <https://sdsos.gov/elections-voting/voting/register-to-vote/felony-convictions.aspx>.
  - xv S.D. Codified Laws §§ 12-18-7.1, 12-18-7.2.
  - xvi <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.
  - xvii S.D. Codified Laws § 12-18-7.1.
  - xviii S.D. Codified Laws § 12-4-18.
  - xix S.D. Codified Laws § 12-4-19.
  - xx <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.
  - xxi S.D. Codified Laws § 12-18-7.4.
  - xxii S.D. Codified Laws § 12-18-39; <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.
  - xxiii S.D. Codified Laws § 12-18-6.1
  - xxiv <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>; S.D. Codified Laws §§ 12-19-48, 12-19-12.
  - xxv *Id.*
  - xxvi <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>.
  - xxvii <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>.
  - xxviii S.D. Codified Laws § 12-19-1.
  - xxix S.D. Codified Laws § 12-19-1.2.
  - xxx S.D. Codified Laws § 12-18-24.
  - xxxi <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.
  - xxxii <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>; S.D. Codified Laws §§ 12-19-48, 12-19-12.
  - xxxiii *Id.*
  - xxxiv <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>.
  - xxxv <https://sdsos.gov/elections-voting/assets/AbsenteeBallotVotingPeriodPressRelease.pdf>
  - xxxvi S.D. Codified Laws § 12-2-3.
  - xxxvii S.D. Codified Laws § 12-2-3.
  - xxxviii S.D. Codified Laws § 12-18-6.1.
  - xxxix S.D. Codified Laws § 12-18-6.1
  - xl S.D. Codified Laws § 12-18-6.2; voters who sign an affidavit in lieu of showing identification may vote a *regular* ballot <https://sdsos.gov/elections-voting/voting/default.aspx>.

- xli S.D. Codified Laws § 12-18-6.3.
- xlii S.D. Codified Laws § 12-2-3.
- xliii S.D. Codified Laws § 12-17B-7.
- xliv S.D. Codified Laws § 12-18-25.
- xlv <https://sdsos.gov/elections-voting/voting/polling-place-accessibility.aspx>
- xlvi S.D. Codified Laws § 12-18-25.
- xlvii S.D. Codified Laws § 12-3-10.
- xlviii <https://sdsos.gov/elections-voting/assets/2020PrecinctManual.pdf>
- xlix S.D. Codified Laws § 12-18-3.
- l S.D. Codified Laws § 12-18-9.
- li S.D. Codified Laws § 12-18-10.
- lii S.D. Codified Laws § 12-18-39.
- liii S.D. Codified Laws § 12-18-6.3; S.D. Codified Laws § 12-18-39.
- liv S.D. Codified Laws § 12-18-39. “Prior to the official canvass, the person in charge of the election shall determine if the person voting by provisional ballot was legally qualified to vote in the precinct in which the provisional ballot was cast. In making this determination, the person in charge of the election shall consider the information provided on the affirmation and diligently investigate the voter registration status of the person. If there is no evidence that a voter registration form had been completed by the person showing a residence address in that precinct and returned to an official voter registration site prior to the deadline to register to vote for the election, the provisional ballot is invalid.” S.D. Codified Laws § 12-20-5.1.